

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 18-20315

Plaintiff,

HON. Judith E. Levy

v.

VIOL: 21 U.S.C. § 856  
21 U.S.C. § 846  
21 U.S.C. § 841(a)  
18 U.S.C. § 922(g)

D1- Joshua Gauthier  
D2- Nathaniel Cotton  
D3- Keith Kennedy  
D4- Don Embry

Defendant

FILED USDC - CLRK DET  
2018 OCT 10 PM2:41

**FIRST SUPERSEDING INDICTMENT**

THE GRAND JURY CHARGES:

**General Allegations**

1. The Cotton Drug Trafficking Organization (the “Organization”) is a narcotics trafficking organization that operated in Detroit, Michigan at 19422 St. Aubin Street, Detroit, Michigan, among other locations, from on or about 2017 to April 11, 2018.

2. Nathaniel Cotton is the leader of the Organization and Keith Kennedy, Joshua Gauthier, and Don Embry are associates of the Organization.

3. The Organization distributed cocaine, crack cocaine, and heroin to individuals in metro-Detroit.

4. The Organization mixed fentanyl with the heroin it distributed.

5. At least one individual overdosed and died as a result of heroin distributed from the Organization.

6. The Organization sold heroin in small plastic packets containing 0.1 grams for \$10.00. At times, the Organization had “specials” and a buyer could purchase a “pack” of heroin containing 0.1 grams for \$5.00. Larger amounts of heroin could be purchased from the Organization for higher prices if Nathaniel Cotton approved the sale.

7. The Organization sold cocaine “rocks” for \$20.00-\$50.00.

8. During the daytime hours of 6am to 9pm, the Organization distributed controlled substances at various locations throughout Detroit such as liquor stores, laundromats, gas stations, restaurants, and in parking lots.

9. During the hours of 9pm to 6am, the Organization distributed controlled substances from 19422 St. Aubin Street, Detroit, Michigan.

10. Before purchasing controlled substances from the Organization during the day or at night, individuals were required to call (313)-948-1556, which was a cellular phone operated by Nathaniel Cotton, Keith Kennedy, Joshua Gauthier and Don Embry on behalf of the Organization. When a potential customer called the cellular phone number, one of the Organization's associates identified the caller, the type of controlled substance desired, told the caller whether any controlled substances were available, and directed the caller to a specific location to purchase controlled substances.

**COUNT ONE**

21 U.S.C § 856(a)(1)

Maintaining a drug premises

D2- Nathaniel Cotton

11. The general allegations are incorporated in Count One.

12. Between 2017 through April 11, 2018, in the Eastern District of Michigan, defendant Nathaniel Cotton, did unlawfully and knowingly use and maintain a place located at 19422 St. Aubin Street, Detroit, Michigan for the purpose of distributing heroin and cocaine, controlled substances, in violation of Title 21, United States Code, Section 856(a)(1).

**COUNT TWO**

21 U.S.C. §§ 846, 841(a)

*Conspiracy to possess with intent to distribute controlled substances*

D1- Joshua Gauthier

D2- Nathaniel Cotton

D3- Keith Kennedy

D4- Don Embry

13. The general allegations are incorporated in Count Two.

14. From on or about May 2017 through April 11, 2018 in the Eastern District of Michigan, Southern Division, defendants, Nathaniel Cotton, Keith Kennedy, Joshua Gauthier and Don Embry did knowingly

and intentionally conspire and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States: to distribute more than 100 grams or more of a mixture and substance containing heroin, a Schedule I narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THREE**

21 U.S.C. §§ 846, 841(a)

*Conspiracy to possess with intent to distribute controlled substances*

D1- Joshua Gauthier  
D2- Nathaniel Cotton  
D3- Keith Kennedy  
D4- Don Embry

15. The general allegations are incorporated in Count Three.

16. From on or about May 2017 through April 11, 2018 in the Eastern District of Michigan, Southern Division, defendants, Nathaniel Cotton, Keith Kennedy, Joshua Gauthier and Don Embry did knowingly and intentionally conspire and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States: to distribute a mixture and substance containing cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT FOUR**

18 U.S.C. § 922(g)(1)

*Felon in Possession of Firearms*

D1- Nathaniel Cotton

17. The general allegations are incorporated in Count Four.

18. On or about April 11, 2018, in the Eastern District of Michigan, Southern Division the defendant, Nathaniel Cotton, having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess firearms, that are:

- One Sig Saur rifle
- One Smith and Wesson model M&P15
- One Winchester shotgun

said firearms having previously traveled in interstate and/or foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

### **FORFEITURE ALLEGATIONS**

The allegations contained in Counts One through Three of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d), Title 21 United States Code, Section 853, and Title 28 United States Code, Section 2461(c).

Upon conviction of any of the controlled substance offenses alleged in Counts One through Four of this Indictment, defendants shall forfeit to the United States, pursuant to Title 21 United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the named violations.

Upon conviction of the offenses set forth in Count Three of this Indictment, the defendant Nathaniel Cotton, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28 United States Code, Section 2461(c), any firearm and ammunition involved in or used in the knowing commission of the offenses, including, but not limited to:

- One Sig Saur rifle
- One Smith and Wesson model M&P15
- One Winchester shotgun

If any of the property described in the paragraphs above as being forfeitable under Title 21, United States Code, Section 853, as a result of any act or omission of the defendant - -

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the United States of America, pursuant to Title 21, United States Code, Section 853(p), intends to seek forfeiture of all other property of the defendant up to the value of the above described forfeitable property.



THIS IS A TRUE BILL.

/s/ Grand Jury Foreperson  
Grand Jury Foreperson

MATTHEW SCHNEIDER  
United States Attorney

/s/ Julie Beck  
Julie Beck  
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/s/ Jihan Williams  
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Dated: October 10, 2018

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United States District Court Eastern District of Michigan	<b>Criminal Case Cover Sheet</b>	Case Number <u>18-20315</u>
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <u>JMW</u>

Case Title: USA v. Joshua Gauthier, Nathaniel Cotton, Keith Kennedy, Don EmburyCounty where offense occurred : WayneCheck One: ☒ Felony ☐ Misdemeanor ☐ Petty

☐ Indictment/ ☐ Information --- no prior complaint.  
☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 18-30224, 18-30268 ]  
☒ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

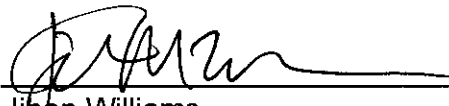
**Superseding Case Information**Superseding to Case No: 18-20315Judge: Judith E. Levy

- ☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☒ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
Nathaniel Cotton	21 USC 856, 846, 841, 18 U.S.C 922(g)	18-30224
Keith Kennedy	21 USC <del>856</del> , 846, 841	18-30268
<u>Joshua Gauthier</u>	<u>21 U.S.C. 846</u>	

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

October 10, 2018  
Date

  
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Assistant United States Attorney  
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<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.